

DON-NAVY-2015-002019 request Details

Due Date: 01/26/2015 Clock Days: 191 Backlogged

Requester Information

Requester	Mr. robert hammond	Tracking Number	DON-NAVY-2015-002019
Organization		Submitted Date	12/23/2014
Requester Has Account	Yes	Received Date	12/23/2014
Email Address	(b) (6)	Perfected Date	12/24/2014
Phone Number	(b) (6)	Last Assigned Date	12/29/2014
Fax Number		Assigned To	(b) (6)
Address	(b) (6)		(Chief of Naval Operations)
City		Last Assigned By	(b) (6)
State/Province			(Chief of Naval Operations)
Zip Code/Postal Code		Request Track	Simple
		Fee Limit	\$50.00

Closure Information

Closed Date	09/28/2015	Exemptions Used
Disposition	No Records	Statutes Used
"Other" Disposition		Subtypes Used

Request Handling

Requester Info Available to the Public?	No	Request Type	FOIA
Request Track	Simple	Request Perfected	Yes
Fee Category	Other	Perfected Date	12/24/2014
Fee Waiver Requested	Yes	Acknowledgement Sent Date	12/24/2014
Fee Waiver Status	Not Billable	Unusual Circumstances	No
Expedited Processing Requested	No	Litigation	No
Expedited Processing Status		Court Docket Number	
		5 Day Notifications?	No

Description

Long Description	I am respectfully requesting a copy of Navy plan for improvement referenced in the Department of Defense Chief Freedom of Information Act Officer Report for 2013, as discussed in background above
Has Description Been Modified?	No
Description Available to the Public?	No
Short Description	Navy plan for improvement referenced in DoD Chief FOIA Officer Report, 2013

Additional Information

Appellate Authority	N/A
Case #	N/A
Name of Local Command	N/A
Contract/Sol.#	N/A
Limit Request To Clearly Releasable Info	N/A

Attached Supporting Files

Attachments Available to the Public?
No

Attached File Name	Size (MB)	File Type
FOIA Navy FOIA Improvemetrn Plan.pdf	0.0425	Adobe PDF Document

Appeals

Tracking Number	Appeal Date	Appellant	Phase	Notification
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No appeals have been created.

Consultations

Tracking Number	Consulted Agency	Created By	Consultation Date	Due Date	Phase
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No consultations have been created.

Correspondence to Requester

Subject	From	To	Date
Re: Final Disposition, Request DON-NAVY-2015-002019	Mr. robert hammond	Mr. robert hammond	07/26/2019

This is a legal notice to preserve all FOIA Request/Appeals processing records as well as records responsive to or potentially responsive to those cases, including electronic records, for judicial review. This is in furtherance to my prior notices to preserve records for judicial review contained in my subject FOIA request. NARA GRS 4.2 requires that FOIA and Privacy Act case files be retained for 6 years after final agency action or 3 years after final adjudication by the courts, whichever is later. NOTICE. PRESERVATION OF RECORDS AND SEARCHES PERFORMED. Please preserve all responsive or potentially responsive records and records of your searches in your FOIA case file until the statutory date for judicial review has passed (should that be necessary) or in accordance with a NARA approved records schedule, if longer. Records of responsive searches would include but not be limited to: Searches conducted for each specific record sought and all other records known to the Agency, including dates, manner of searching, responsible agent or employee conducting each search and the results thereof. NOTICE. ALTERATION/DESTRUCTION OF RECORDS Whoever knowingly alters, destroys, mutilates, conceals, covers up, falsifies, or makes a false entry in any record, document, or tangible object with the intent to impede, obstruct, or influence the investigation or proper administration of any matter within the jurisdiction of any department or agency of the United States or any case filed under title 11, or in relation to or contemplation of any such matter or case, shall be fined under this title, imprisoned not more than 20 years, or both. 18 U.S. Code § 1519 - Destruction, alteration, or falsification of records. (Added Pub. L. 107-204, title VIII, §802(a), July 30, 2002, 116 Stat. 801) hereby notify Department of Navy to preserve all electronically stored information, copies and backup, as defined by Rule 34 of the Federal Rules of Civil Procedure, along with any paper files which Department of Navy maintains, relevant to this dispute. I am seeking electronic data in Department of Navy custody and control that is relevant to this action, including without limitation emails, along with metadata, and other information contained on Department of Navy computer systems and any electronic storage systems. I consider this electronic data and paper

files to be valuable and irreplaceable sources of discoverable information in this matter. I have previously placed Department of Navy on notice to preserve all documents applicable to these matters and am affirming same. In addition, I am placing Department of Navy on notice not to allow the deletion of any electronic communications, such as emails. No procedures should have been implemented to alter any active, deleted or fragmented data. Moreover, no electronic data should have been disposed of or destroyed. ii Further, to properly fulfill your preservation obligation, stop all scheduled data destruction, electronic shredding, rotation of backup tapes, and the sale, gift or destruction of hardware. Notify all individuals and of the need and duty to take the necessary affirmative steps to comply with the duty to preserve evidence. iii With my respect, Robert Hammond Whistleblower _____ "When the prospect of litigation is present, parties are required to preserve documents that may be relevant to the issues to be raised, and their failure to do so may result in a finding of spoliation of evidence. The obligation to preserve evidence begins when a party knows or should have known that the evidence is relevant to future or current litigation. See *Stevenson v. Union Pac. R.R. Co.*, 354 F.3d 739, 746 (8th Cir. 1993) (Sanctions not abuse of discretion in pre-litigation destruction of evidence without showing of bad faith); see also *Zubulake v. UBS Warburg LLC*, 220 F.R.D. 212, 216-18 (S.D.N.Y. 2003) ("Once a party reasonably anticipates litigation, it must suspend its routine document retention/destruction policy and put in place a 'litigation hold' to ensure preservation of relevant documents." Id. at 218) (citing *Fujitsu Ltd. v. Federal Express Corp.*, 247 F.3d 423, 436 (2d Cir. 2001); *Kronish v. United States*, 150 F.3d 112, 126 (2d Cir. 1998)). At a minimum, that means counsel must direct the client to ensure that documents are preserved, not deleted from an electronically stored information system or otherwise destroyed or made unavailable. Failure to do so has been found to be 'grossly negligent.' *Zubulake*, 220 F.R.D. at 221." ETL Institute for Advancement of America's Legal System. 2008 Thomson Delmar Learning

Final Disposition, Request DON-NAVY-2015-002019

(b) (6)

Mr. robert
hammond

09/28/2015

<p>Mr. Hammond,</p><p>Please find attached a formal response to the subject FOIA request.</p><p>V/r,</p><p>SECNAV/CNO FOIA Office
(202) 685-0412</p><p>Records were released to the public as a result of this request. You may retrieve these records immediately using the following link: View Records. Over the next 2 hours, these records are also being added to FOIAonline's search pages, further enabling you to retrieve these documents associated with your FOIA request at any time.</p>2015-002019 Resp to Req (1).pdf

FOIA Fee Waiver Disposition Reached for DON-NAVY-2015-002019

System

Mr. robert
hammond

09/25/2015

<p>Your request for Fee Waiver for the FOIA request DON-NAVY-2015-002019 has been determined to be not applicable as the request is not billable. Additional details for this request are as follows: <p>Request Created on: 12/23/2014Request Long Description: I am respectfully requesting a copy of Navy plan for improvement referenced in the Department of Defense Chief Freedom of Information Act Officer Report for 2013, as discussed in background above</p>

FOIA Request DON-NAVY-2015-002019 Submitted

System

Mr. robert
hammond

12/23/2014

<p>This message is to confirm your request submission to the FOIAonline application: View Request. Request information is as follows: <p>Tracking Number: DON-NAVY-2015-002019Requester Name: robert hammondDate Submitted: 12/23/2014Request Status: Submitted

Description:I am respectfully requesting a copy of Navy plan for improvement referenced in the Department of Defense Chief Freedom of Information Act Officer Report for 2013, as discussed in background above

Other Correspondence

Attached File	File Type	Size (MB)
2015-002019 Resp to Req.pdf	Adobe PDF Document	1.2035

Fee Estimates

Current Estimate Total	\$0
Date Estimate Sent to Requester	N/A
Estimate Required for Payment	N/A

Invoices

Sent	Title	Invoice Date	Amount
No	DON-NAVY-2015-002019 Invoice 20150925.pdf	09/25/2015	\$0.00

**Total Amount Billed Which Has
Been Sent To Requester** \$0.00

Payments

Date	Amount	Type	Total Amount Paid	\$0.00
			Total Amount Owed	\$0.00
No payments have been added.				

Case Responsive Records

Publish Options:

UU - Unredacted - Unreleaseable

RU - Redacted - Unreleaseable

UR - Unredacted - Releaseable to the General Public

RR - Redacted - Releaseable to the General Public

REQ - Release to Requester Only

Release Type	Title	User	Date/Time	Exemptions	Release Date
UR - Unredacted - Releaseable to the General Public	DON FOIA FY12 backlog reduction plan vs a4-30rp	(b) (6)	04/26/2019 12:44 PM	N/A	09/28/2015
Type	Microsoft Word	Retention	6 year		
Size (MB)	0.1670	Referred to Non-Participating Agency	No		
Exemption 3 Statutes	N/A				
Exemption 5 Subtypes	N/A				
RR - Redacted - Releaseable to the General Public	2015-002019 Response to Requester	(b) (6)	04/26/2019 12:44 PM	N/A	09/28/2015
Type	Adobe PDF Document	Retention	6 year		
Size (MB)	0.2571	Referred to Non-Participating Agency	No		
Exemption 3 Statutes	N/A				
Exemption 5 Subtypes	N/A				

Restricted Materials

Attached File Name	Size (MB)	File Type	User	Actual Agency	Date/Time
No restricted materials have been added.					

Existing Admin Costs

Date	User Name	Charge Type	Hours/Quantity	Rate	Billable?	Total
No cost entries have been added.						

Fee Category: Other

Total: \$0.00

Invoice Amount: \$0.00

Comments	N/A					
Not Billable	Fee Waiver	(b) (6)	12/23/2014	12/23/2014	09/25/2015	No
Requester Justification I am a private individual. There is no commercial use						
Approve	Case File Review	(b) (6)	09/25/2015	09/25/2015	09/28/2015	No
Comments	N/A					

Existing Comments (1)

Date Created	Last Edited On	User Name
12/29/2014 07:16 AM	02/06/2019 07:53 PM	(b) (6)
Comment	Given to (b) (6) for assignment.	

Assigned Reviewers

Review Order	Review Outcome	Assigned Reviewer	Review Date
1	Approve	(b) (6)	09/28/2015